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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

YOICHIRO IRITANI ET AL.

: EXAMINER: JIANG, C.W.

SERIAL NO: 10/019,019

: DATE ALLOWED: DECEMBER 10, 2002

FILED: DECEMBER 26, 2001

: GROUP ART UNIT: 3744

FOR: EVAPORATOR AND
REFRIGERATOR :PETITION UNDER 37 C.F.R. § 1.181ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Applicants respectfully petition in accordance with 37 C.F.R. § 1.181(a)(3) to compel consideration by the examiner of the enclosed Comments on Statement of Reasons for Allowance.

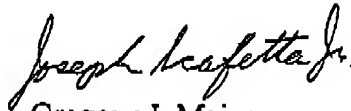
37 C.F.R. § 1.181(a)(3) allows petitioners to invoke the supervisory authority of the Commissioner in appropriate circumstances.

In the present application, the Examiner's Statement of Reasons for Allowance inappropriately characterized the allowable subject matter by limiting the discussion to Claim 1 on record. However, no discussion is made about independent Claim 4. Consequently, this omission is an appropriate circumstance in which to invoke the supervisory authority of the Commissioner to compel the examiner to consider the enclosed Comments on Statement of Reasons for Allowance.

Accordingly, it is respectfully submitted that this Petition be granted and that the examiner consider the enclosed comments on Statement of Reasons for Allowance and issue an expanded Statement of Reasons for Allowance discussing also Claim 4.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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